

POSSESSION OF FORTUNE IS DEPENDENT ON COURT

Fight for Disposition of Erwin Estate Begins Before Judge Carter.

WILL MAY BE INVALID

Change Is Shown to Have Been Ordered in Trust Clause Before Death.

A suit for the construction of the will of the late D. P. Erwin began in the Superior Court before Judge Carter yesterday. The suit was brought by the Central Trust Company, as trustee for the large Erwin estate, against Charles H. Erwin, and other heirs. It will be the duty of the court to determine the validity of the will, which provides that the entire estate shall be left to the trust of the Central Trust Company for thirty years, and to determine the validity of a contract entered into by the heirs to the estate immediately after the death of Mr. Erwin.

The will of the deceased provides that the whole estate, both personal and real, should be left in the hands of the Central Trust Company for thirty years; that it should collect all rents and interests of the estate and settle with the respective heirs from time to time. Mr. Erwin, however, the day before his death, which occurred unexpectedly, entered the change in the time of the trust of the estate to be held by the trust company to twenty years. Questions of doubt arose among the heirs as to the legality of the will, and Charles H. Erwin, the executor of the estate, and the other heirs entered into a mutual contract, which embodied all of the suggestions made by the deceased father to Ferdinand Winter, who drew up the original will. This contract was afterward submitted to the Circuit Court by Attorney Martin Hug, the guardian ad litem of the infant child, because of the lack of the jurisdiction of the Circuit Court to authorize the guardian ad litem to execute the contract.

The case involves many legal technicalities and it is not probable that it will be concluded before Wednesday.

Appeals to Supreme Court.

Appeal has been taken in the State Supreme Court by R. P. Saylor, et al., against the Union Traction Company, for \$30,000 damages for personal injuries. The Traction Company won the suit in the Grant Circuit Court.

THE COURT RECORD.

SUPERIOR COURT.

Room 1—John L. McMaster, Judge. Edward Krause vs. Joseph Joiner et al.; appeal.

Room 2—James M. Leathers, Judge. Marion H. Traylor vs. William A. Simon et al.; submitted to court. Continued at plaintiff's cost.

SUPERIOR COURT.

Room 3—Vinson Carter, Judge. Ralph E. Bishop vs. Home Heating and Lighting Company; damages. Plaintiff dismissed cause. Judgment against plaintiff for costs.

The Central Trust Company of Indianapolis, trustee, vs. R. P. Saylor, et al., executor of the last will of Daniel P. Erwin, deceased, et al.; to construe will. On trial by court.

CIRCUIT COURT.

Henry Clay Allen, Judge. Rachel Schrader vs. Street-railway Company. Submitted to jury. Verdict heard.

CRIMINAL COURT.

Frederick Allen, Judge. Mike Traugott; selling liquor on Sunday. Nolle prosequi.

Mike Traugott; selling liquor on Sunday. Defendant arraigned and enters a plea of not guilty. Trial by court. Evidence heard. Finding of guilty. Fine \$25 and costs.

NEW SUITS FILED.

Linton R. Allen vs. Bertha V. Allen. Superior Court.

Sarah E. Krebs vs. The Knights and Ladies Columbian; insurance policy. Superior Court.

Indiana Rolling Mill Company vs. the Indianapolis Southern Traction Company; suit on note. Superior Court.

Sadie E. Warner vs. John A. Warner; divorce. Circuit Court.

Laura B. Crapper vs. Supreme Lodge Knights and Ladies of Honor. Circuit Court.

THE HIGHER COURT RECORD.

SUPREME COURT.

—Minutes.—

1934. State ex rel. William R. Moore vs. Board of Commissioners of Clinton County et al.; Montgomery C. C. Appellee's brief on motion for rehearing.

1934. Nichols, administrator, vs. R. & O. W. R. Co.; Lawrence C. C. Appellee's petition for rehearing.

—Rulings.—

1934. State ex rel. William R. Moore vs. Board of Commissioners of Clinton County et al.; Montgomery C. C. Appellee's brief on motion for rehearing. Errors appellee's reply brief.

1934. Cincinnati, Richmond & Muncie Railroad et al. vs. John J. Hogan et al.; Joinder submitted by agreement.

APPELLATE COURT.

—Record.—

592. Louise Baum vs. George W. Palmer. Case C. C. Appellee's petition arguments.

594. Bettie F. Nichols vs. R. & O. W. R. Co.; reversing. Reversed. Costack J. 591. Harvey Gill vs. Edwin Herdine. Huntington C. C. Motion and notice to amend. Assignment of errors.

597. Emma L. Neighbors vs. Fremont Davis et al.; Bartholomew C. C. Brief for appellee chambers. Cross-complaint.

593. Pleasant Evans vs. State ex rel. W. R. R. Co.; Lawrence C. C. Petition for rehearing. Reversed.

596. Perry Mathews Stone Company vs. George W. Spicer, administrator. Monroe C. C. Appellee's brief.

—New Suits.—

522. C. C. C. & S. L. R. R. Co. vs. Vince Pucellier et al.; Madison C. C. Record.

523. C. C. S. L. R. R. Co. vs. C. C. Record.

524. Robert V. Saylor vs. Term. Bond.

525. The Southern Indiana Railway Company vs. Winfield A. Hogart, Davies C. C. Record. Assignment of errors. In term. Bond.

Notes of Recent Opinions.

A woman is held, in *Opitz vs. Karol* (Wis.) 22 L. R. A. 2, to have an insurable interest in the life of a man whom she is engaged to marry.

A duty to give a letter of recommendation or clearance card to an employee who is discharged or quits is held, in *Cleveland, C. & St. L. Railroad Company vs. Johnson* (Ill.) 22 L. R. A. 22, not to be imposed upon the employer by the common law.

The possession by an officer of a warrant is held, in *McCullough vs. Greenfield* (Mich.) 22 L. R. A. 208, not to justify an arrest of the accused by the police department.

A Nice Little Dish of

Grape-Nuts

and Cream

Tootsome and Delicious.

ORAL ARGUMENTS WILL DECIDE STATE CASES

Apportionment Matter Comes Before Supreme Court To-Day—Local Counselors Opponents.

The much-mooted apportionment cases will come up before the Supreme Court for preliminary argument at 9 o'clock this morning. Attorney General Miller and the Hon. Addison C. Harris, of this city, will represent the State of Indiana, which is appellee in the petition of William H. O'Brien, of Dearborn county, and others.

Mr. O'Brien is chairman of the Democratic state committee, and the officials of the various counties affected by the reapportionment are made joint appellees in his suits.

The debates this morning are for oral argument for the case. Should the preliminary argument for oral argument be accepted by the court the real issues will begin to be advocated to-day. Green Smith & Kern, of this city, representing the appellants.

CONDITION OF BROWN SHOWS IMPROVEMENT

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It is plain that the health of the State in March was not as good as in February, nor as good as in March of last year. The epidemic of influenza in pneumonia is now known to be largely a sequel to measles, severe colds and la grippe.

CITY NEWS NOTES.

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The cases continued until April 23.

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Albert Guy, 47 Downey avenue, driver of a 1931 Buick, was taken from his home to the street yesterday afternoon near the corner of Morris street and Madison street, where he was taken to the police station and was bruised about the neck and head.

Coy Spawt, the youthful Kentuckian who was taken over the head of a car by a car piper over the head of Charles McCaskey, of this city, was yesterday having a hearing April 28. His bond was fixed at \$500. The victim was supposed to be injured, but is improving and may live.

"Bud" Sullivan, who was discovered selling liquor in the Washington street saloon, was taken to the police station yesterday. The saloon was closed and the liquor was seized. The saloon was not working harmoniously. These counts will be made the subject of a special investigation.

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